

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONTRELL OLIVER,	:	CIVIL ACTION
	:	(habeas corpus)
Petitioner	:	
	:	
v.	:	No. 16-5537
	:	
BARRY SMITH, et al.,	:	
	:	
Respondents	:	

RENEWAL OF PREVIOUS OBJECTIONS

Montrell Oliver, through counsel, hereby submits this filing in response to the Magistrate Judge’s Report and Recommendation entered October 28, 2022, ECF No. 93. Oliver has no additional objections to this Report and Recommendation. Out of caution, Oliver renews his previous objections, ECF No.79, to the Magistrate Judge’s prior Report and Recommendation, ECF No. 77. In those objections, Oliver challenged the proposed resolution of his claim that the Commonwealth violated due process by presenting evidence from Marcus Best that it knew or should have known to be false about Jimmy Whitney and by failing to disclose that Jimmy Whitney was incarcerated at time of the homicide. *See* ECF No. 79.¹ In light of Oliver’s objections, Oliver asks the Court to grant him habeas corpus relief without deciding the above due process claim, which would require an evidentiary hearing to resolve.

¹ The Magistrate Judge identifies this claim as Ground Two in Oliver’s counseled amended habeas petition. *See* ECF No. 77 at 8, 34-39.

Respectfully submitted,

/s/ Joel Mandelman

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CERTIFICATE OF SERVICE

I, Joel Mandelman, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that on this date this document has been filed electronically and is available for viewing and downloading from the Court's ECF system. I have served this document electronically upon David Napiorski, Assistant District Attorney, Philadelphia District Attorney's Office.

/s/ Joel Mandelman
JOEL MANDELMAN
Assistant Federal Defender

Date: November 3, 2022